



OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

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TO: Ground Water Section

FROM: Jeris A. Danielson, State Engineer

DATE: April 23, 1986

SUBJECT: Policy Concerning wells Considered Pursuant to C.R.S. 37-92-602
(Exempt) in the Denver Basin Aquifers

The enactment of Senate Bill 5, effective July 1, 1985, and the adoption of the Denver Basin Rules and Regulations, effective on January 1, 1986, have dictated a need to establish new criteria for evaluation of applications for exempt-type wells withdrawing ground water from the Denver Basin aquifers. Although the provisions of Senate Bill 5 [C.R.S. 37-90-137(4)(a)] and the Denver Basin Rules and Regulations do not apply to wells sought under the provisions of C.R.S. 37-92-602, the protection of rights provided for in the bill and the rules and regulations dictates a need to have the same or similar provisions applied to ground water withdrawals from those same sources. It must be understood that applications for permits may be sought under the provisions of C.R.S. 37-90-137(4) regardless of this policy.

Although it is unrealistic to apply all of the difficult and complex provisions of Senate bill 5 and the Denver Basin Rules and Regulations to exempt applications, adoption of the basic principles is a necessity. Therefore, the following criteria are hereby adopted as policy for the evaluation of applications for exempt wells producing ground water from the Denver Basin aquifers.

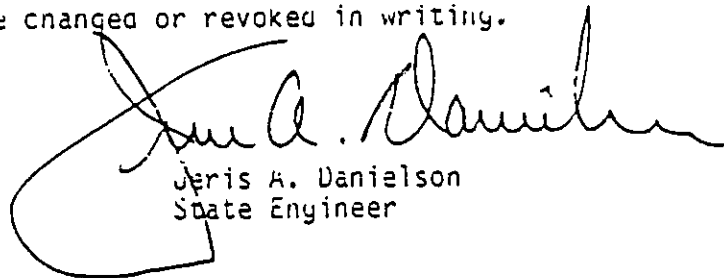
- 1) If the proposed well meets the presumptions as stated in C.R.S. 37-92-602(3)(b)(II), such provision may be relied upon in considering the application. Also, if a replacement well is proposed, it should be evaluated under C.R.S. 37-92-602(3)(c).
- 2) If the well will produce from the Dawson Aquifer in a not nontributary area as defined in the Denver Basin Rules and Regulations or from the other aquifers in such area, but one mile or less from any point of contact between any natural surface stream, including its alluvium, and the aquifer, and if an augmentation plan to remedy the injury caused to such stream(s) has not been approved by the Water Court, the application shall be approved if it can be considered under the provisions of C.R.S. 37-92-602(3)(b)(II) or the policy of the State Engineer regarding exempt commercial wells. If such provisions cannot be relied upon, the application shall be considered pursuant to C.R.S. 37-92-602(3)(b)(I).

- 3) In determining injury under the provisions of C.R.S. 37-92-602(3)(b)(I), only that quantity of water underlying the land owned by the applicant shall be considered to be available for withdrawal and existing exempt wells approved after December 31, 1978, water supplier consent claims, and exempt wells and permits located on the property under evaluation, shall be considered in determining that amount. Also, an aquifer life of 100 years shall be assumed and the specific yield and thickness of the saturated material shall be as specified in the Denver Basin Rules and Regulations. In addition, the provisions of policy item numbers 4 and 5 shall apply.
- 4) If the well is located in a nontributary area as defined in the Denver Basin Rules and Regulations, then approval of the permit under C.R.S. 37-92-602(3)(b)(I) and this policy shall be dependent on the applicant being able to demonstrate that not less than 2% of the amount withdrawn will be returned to the surface stream system. If the water will be used for ordinary household purposes, in addition to other uses, and the return flow from such use is discharged through a nonevaporative disposal system, such as a septic tank and nonevaporative leach field, then it shall be presumed that this condition is met and the permit shall be conditioned with that requirement.
- 5) If the well is to produce from the Denver, Arapahoe, or Laramie-Fox Hills aquifers and will be in a not nontributary area as defined in the Denver basin Rules and Regulations, but more than one mile from any point of contact between any natural surface stream, including its alluvium, and the aquifer, then approval of the permit under C.R.S. 37-92-602(3)(b)(I) and this policy shall be dependent on the applicant demonstrating that not less than 4% of the amount withdrawn will be returned to the surface stream system. If the water will be used for ordinary household purposes, in addition to other uses, and the return flow from such use is discharged through a nonevaporative disposal system, such as a septic tank and nonevaporative leach field, then it shall be presumed that this condition is met and the permit shall be conditioned with that requirement.
- 6) Well permits approved pursuant to C.R.S. 37-92-602(3)(b)(I) and this policy shall contain conditions that will restrict the amount diverted annually to the amount determined to be available. In addition to a condition of approval limiting this amount, there shall also be one of the following types of conditions:
 - a. Require installation and maintenance of a flow meter, including record keeping.
 - b. Limit use of the well to specific uses utilizing the following formula:

1. Each ordinary household use - 0.30 AF
 2. Use for domestic animals (4 max) - 0.05 AF
 3. Use for lawn irrigation - 0.05 AF/1,000 sq. ft.
 4. Others to be determined by the Division of Water Resources
- 7) This policy shall apply to applications originally received on or after April 30, 1986. It shall also apply to applications returned for correction prior to April 30, 1986 if they are not resubmitted by May 31, 1986. It shall also apply to applications originally received prior to and returned after May 1, 1986, provided they are not resubmitted corrected within 30 days of return.
- 8) Construction of new wells shall be such that production is limited to one aquifer only. The boundaries of the aquifers shall be those as adopted for the Denver basin Rules and Regulations.
- 9) A statement of land ownership shall not be required to accompany the well permit application. To determine the amount of water available for withdrawal, the acreage claimed to be owned in item nos. 7 and 10 of the application form shall be utilized.
- 10) The provisions of item nos. 1 through 6 of this policy shall not apply to wells to be constructed on parcels in subdivisions approved after June 1, 1972. If the Division of Water Resources approved a water supply plan using exempt-type individual on-lot wells, then the provisions as stated in item no. 11 shall apply. In those subdivisions whose water supply plan was not approved, the cumulative effect of all possible wells shall be considered [37-92-602(3)(b)(III)] and all the provisions of C.R.S. 37-90-137(4) shall be applied in determining the amount of water available for withdrawal and injury to other water rights.
- 11) In subdivisions whose water supply plans have been approved for use of individual on-lot wells by the State Engineer, the limitations as stated in those letters shall apply subject to the following:
- a. Permits shall be approved pursuant to C.R.S. 37-90-602(3)(b)(I) and the maximum pumping rate shall be limited to 15 gpm.
 - b. The well shall be limited to production from one aquifer only. If the approved aquifer or zone is now separated into two or more aquifers, production shall be limited to one aquifer only and the aquifer may be selected by the applicant unless the approximate depths given in the approval are predominately in only one of the aquifers (50 feet or less penetration into the other aquifer).
 - c. Where approvals refer only to "domestic" use without more restrictive conditions or annual amounts specified, it shall be assumed that the use is limited to ordinary household purposes in

one single-family dwelling, fire protection, the watering of poultry and domestic animals, and the irrigation of not over one acre of home gardens and lawns.

- d. The Engineering Section Water Management Branch may, if they find it necessary, reconsider the approved water supply plan and make changes regarding the production aquifer or use of the wells.
- 12) Replacement of Existing Wells Completed Into Two Adjacent Aquifers: If a permit is sought pursuant to C.R.S. 37-92-602(3)(c) to replace an existing well that withdraws ground water from two adjacent Denver Basin aquifers, pursuant to a valid well permit, the applicant or permittee shall, upon proper application, be granted a permit for a replacement well to withdraw ground water from the same producing interval as the original well. Provided, however, that the replacement well shall be constructed within 200 feet of the original well. This shall not apply to the issuance of permits for wells proposed for intervals other than the original or in the case where the original interval is not known.
- 13) A replacement well that would produce from a source different than the original well or that will be located on property different than the original well, shall be considered as a new well.
- 14) This policy may only be changed or revoked in writing.



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